



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

November 26, 1996

Ms. Inez VanderBurg
Attorney, Legal Services
Texas Department of Mental Health
and Mental Retardation
P. O. Box 12668
Austin, Texas 78711-2668

OR96-2256

Dear Ms. VanderBurg:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 37623.

The Texas Department of Mental Health and Mental Retardation [the "department"] has received a request for information which seeks answers to fact questions and information that is not kept by the department or for which the department would need to compile information. All of the items in the request concern the relationship between the office of the Medical Director and the office of Monitoring and Compliance which handles complaint investigations. The requestor seeks the following information:

1. The current state laws or MHMR policies governing actions, responsibilities, and duties of the office of Medical Director with regard to investigation of patient complaints, or investigation of hospital licensing violations, or investigations of hospital violations of MHMR rules or standards.
2. The name of the current MHMR division or department in which the office of Monitoring and Compliance falls in, and the relation, if any, of the post of Medical Director to that office.
3. A chronological history of the office of Monitoring and Compliance, previously known as the office of Standards and Quality Assurance, and any other names it has been known as with functions of investigation of hospital complaints, with information on the divisions or departments it has fallen in, and its relation, if any, with the office of the Medical Director, since 1980.

You have provided the requestor with some documents that are responsive to requests 2 and 3. However, as for the remainder of the requested information, you state that the department has no corresponding documents and that the department is not required to

perform legal research, answer factual questions, or prepare information in the form requested by a member of the public. We have considered the exceptions you claim and reviewed the submitted information.

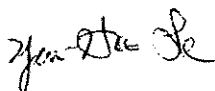
When a request is for state laws and regulations governing the activities of a particular entity, the Open Records Act does not require a governmental body to perform legal research for a requestor nor to answer general questions. Open Records Decision No. 563 (1990) at 6. Thus, the department need not comply with request number 1. *See also* Open Records Decision Nos. 353 (1982), 243 (1980) (governmental body not required to compile or extract information which is readily available to the requestor).

To the extent that request number 2 requires the department to answer factual questions, the Open Records Act does not require it to do so. Open Records Decision No. 379 (1983). The department may therefore disregard that inquiry. However, we note that the department has provided the requestor with a copy of its Central Office Organizational Chart. The department is not required to create new documents to explain its organizational structure to the requestor. Open Records Decision No. 342 (1982).

In response to request number 3, you state that you do not have a chronological history of the office of Monitoring and Compliance. Nevertheless, the department created a brief summary of the office's history. The Open Records Act generally does not mandate the creation of new documents or the compilation of information in response to a request. Open Records Decision No. 342 (1982). Additionally, the act generally does not require the preparation of information in the form requested by a member of the public. Open Records Decision No. 467 (1987); *but see* Gov't Code §§ 552.228, 552.231 (responding to requests for public information that exists in an electronic medium). Only that information in existence is subject to disclosure. Open Records Decision No. 342 (1982). Consequently, although you have chosen to create a document to provide some of the requested information, the act does not require you to prepare the remaining information requested in item 3.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,



Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/rho

Ref.: ID# 37623

cc: Mr. Andrew Prough
Citizens Commission on Human Rights of Texas
711 W. 7th, Suite 110
Austin, Texas 78701